

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda June 23, 2015 7:00 P.M.

Call to Order –

Roll Call-

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilman Paul Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations:

1. Announcement of Amendments/Corrections to the Agenda – **Item 3 and Exhibit 1 attached hereto have been amended since the first reading of the item.**
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident

so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on June 09, 2015. (OFFICE OF THE CITY CLERK)
- B.** Proposed resolution creating a Property Assessed Clean Energy (PACE) Program and agreeing to join the Green Corridor Pace District; adopting an Interlocal Agreement relating to the corridor; providing for authorization; and providing for an effective date. (ADMINISTRATION)
- C.** Request permission to increase purchase order # 2015-1070, since it is advantageous to the City, issued to State Contracting & Engineering Corporation, for additional items requested by the Hialeah Educational Academy and the Hialeah Building Department at the time of inspection which are necessary and are not part of the original contract for the expansion of the Hialeah Educational Academy, thereby changing the scope of work and causing the increase to the contract amount, by an additional amount of \$23,729, for a new total cumulative amount not to exceed \$1,206,730. On January 13, 2015 the City Council awarded this vendor with the service of construction of a new building addition to the City of Hialeah Educational Academy Charter School pursuant to Invitation to Bid # 2014/15-3230-00-011. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES)
- D.** Request permission to increase purchase order # 2015-1206, issued to A-1 Duran Roofing, Inc., since it is advantageous to the City in that after the Milander Recreation Center Roofing Renovation had began, the Hialeah Building Department requested the installation of six (6) over flow scuppers which are not part of the original plans, thereby causing changes to the scope of work and an increase to the original purchase order, by an additional amount of \$1,800, for a new total cumulative amount not to exceed \$113,800. On February 10, 2015 the City Council awarded this vendor with the Milander Recreation Center Renovation-Roofing pursuant to Hialeah Bid # 2014/15-3230-00-020. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES)
- E.** Request permission to utilize Florida Sheriffs Association and Florida Association of Counties Contract # 14-22-0904 – ½ Ton 4-Door Crew Cab Pickup Truck – 4X2 Specification # 47, and issue a purchase order to Auto Nation Chevrolet Pembroke Pines, to purchase one (1) 2015 Chevrolet Silverado 1500, in a total cumulative amount not to exceed \$22,253. (FLEET MAINTENANCE DEPT.)
- F.** Request permission to increase purchase order # 2015-1132, since it is advantageous to the City, issued to Sensus USA Inc., sole source supplier of meters, its components and parts used by the Department of Public Works, to purchase five hundred (500) water meters for inventory purposes, by an additional amount of \$28,380, for a new total cumulative amount not to exceed \$83,380. (DEPT. OF PUBLIC WORKS)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2015-894, issued to Miami-Dade Water & Sewer Department Preston Laboratory, for water quality testing, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (DEPT. OF PUBLIC WORKS)

- H.** Request permission to waive competitive bidding, since it is advantageous to the City in that the City has satisfactorily conducted business with this company for several years and the company is familiar with the material and requirements of the City's Public Works Department, and increase purchase order # 2015-825, to purchase pipe, materials, supplies, hydrants and water meters, by an additional amount of \$17,842.50, for a new total cumulative amount not to exceed \$42,842.50. (DEPT. OF PUBLIC WORKS)
- I.** Request permission to issue a purchase order to SRS Engineering, Inc., one of the firms approved by the City Council on June 8, 2010 for City engineering services for the project management, design and preparation of construction documents for the construction of water and sewer improvements along NW 142nd Street from NW 97th Avenue to NW 107th Avenue, as well as along NW 107th Avenue from NW 138th Street to NW 142nd Street within the City of Hialeah Annex area, in a total cumulative amount not to exceed \$121,000. (DEPT. OF PUBLIC WORKS)
- J.** Request permission to cancel purchase order # 2015-1131 approved by the City Council on January 13, 2015 issued to Brooks Products in the amount of \$60,000 to purchase meter boxes and covers, since it is advantageous to the City in that the vendor has changed their credit policy to require payment in advance for all future orders. Request permission to waive competitive bidding and issue a purchase order to HD Supply Waterworks, LTD., since it is advantageous to the City in that this vendor is a distributor of Brooks products and is familiar with the City's Department of Public Works' specifications and requirements, for the purchase of concrete meter boxes and metal covers for water meters, in a total cumulative amount not to exceed \$60,000. (DEPT. OF PUBLIC WORKS)
- K.** Request permission to issue a purchase order to Hazen and Sawyer, P.C., one of the firms approved by the City Council on June 8, 2010 for City engineering services, to conduct upgrades to Pump Station 106, in a total cumulative amount not to exceed \$231,933. (DEPT. OF PUBLIC WORKS)
- L.** Request permission to issue a purchase order to Hazen and Sawyer, P.C., one of the firms approved by the City Council on June 8, 2010 for City engineering services, for preparing corrective action plans, construction documents, permitting, limited bidding services, and CEI for Pumps Stations 4, 5, 56, 100, 101 and 126, in a total cumulative amount not to exceed \$215,856. (DEPT. OF PUBLIC WORKS)
- M.** Request permission to increase purchase order # 2015-1128, since it is advantageous to the City, issued to Xylem Inc., for repairs, parts and/or replacement of FLYGT submersible pumps and attributes, by an additional amount of \$190,000, for a new total cumulative amount not to exceed \$340,000. (DEPT. OF PUBLIC WORKS)
- N.** Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Department of Public Works has conducted business with the this vendor for the past several years and this vendor is familiar with the materials requirement of the City's Department of Public Works, and increase purchase order # 2015-833, issued to A & B Pipe and Supply, Inc., for the purchase of pipes and materials, supplies and hydrants, by an

additional amount of \$25,000, for a new total cumulative amount not to exceed \$50,000.
(DEPT. OF PUBLIC WORKS)

- O.** Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Department of Public Works has conducted business with this vendor for the past several years and the vendor is familiar with the materials requirement of the City's Department of Public Works, and increase purchase order # 2015-830, issued to Lehman Pipe and Plumbing Supply Inc., for the purchase of pipe, materials, supplies and hydrants, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$50,000.
(DEPT. OF PUBLIC WORKS)
- P.** Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Department of Public Works has conducted business with this vendor for the past several years and this vendor is familiar with the materials and requirements of the City's Department of Public Works, and increase purchase order # 2015-826, issued to Ferguson Enterprises, Inc., for the purchase of pipes, materials, supplies and hydrants, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS)
- Q.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for sidewalk restoration on Palm Avenue from 5th to 6th Street, in a total cumulative amount not to exceed \$39,943.26. (DEPT. OF PUBLIC WORKS)
- R.** Proposed resolution amending the Lease Agreement between the City of Hialeah, as Landlord, and City of Hialeah Education Academy, Inc., a Florida Not-For-Profit Corporation, as Tenant, authorized pursuant to Hialeah, Fla., Ordinance 2014-16 (March 11, 2014), and in particular, amending paragraph 1 of the Lease Agreement entitled "Premises", to include the lease of the new building addition consisting of approximately 8,085 square feet of floor space, and amending paragraph 3 of the Lease Agreement entitled "Base Monthly Rent", to provide for the payment rent for the use and occupancy of the new building addition; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment to Public Charter School Lease Agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1". (ADMINISTRATION)
- 3.** Second reading and public hearing of proposed ordinance granting a license to provide, install, repair, replace and maintain bus passenger benches at city-approved sites within city limits to Martin Outdoor Media, Inc., a Florida Corporation, for an initial term of five years, commencing on June 1, 2015, and ending on May 31, 2020, with the option to renew for two additional five year terms upon the mutual consent of the parties; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the license agreement attached hereto and made a part hereof as Exhibit "1"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

The City Council approved the item on first reading on May 26, 2015.

4. Report of the Evaluation Committee with incorporated recommendations from staff concerning the City's Request for Proposals for Solid Waste Collection Services RFP No. 2014/15-9500-00-002 and Mayor's Memorandum to Council in support of the Committee's Report.
 - a. Robert J. Stovash, Esq., with Stovash, Case & Tingley, P.A., in representation of Waste Pro of Florida, Inc., protests the City's Evaluation and Selection Committee's Report rejecting Waste Pro's Proposal as non-responsive to RFP No. 2014/15-9500-00-002.
5. First reading of proposed ordinance granting an exclusive franchise to Progressive Waste Solutions of FL., Inc., a Florida Corporation, for the collection of residential municipal solid waste, as the company with the highest ranked best overall proposal pursuant to Request for Proposal No. 2014-15-9500-00-002, for a term beginning upon execution of the Exclusive Franchise Agreement by the parties and ending on September 30, 2019, with an automatic renewal term thereafter of five years, beginning on October 1, 2019 and ending on September 30, 2023, and subsequent automatic renewals for a term of one year each with a cumulative duration of all subsequent renewals after the first renewal term not exceeding a total of five years; approving the terms of the exclusive franchise in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Exclusive Franchise Agreement; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (DEPT. OF PUBLIC WORKS)
6. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Lease Agreement between the City of Hialeah, as Landlord, and Progressive Waste Solutions of FL, Inc., a Florida Corporation, as Tenant, for use of the Solid Waste Equipment Facility located at 970 East 56 Street, Hialeah, Florida, consisting of 6,570 square feet of office space, surface parking area and equipment storage yard, more particularly described as Parcel F and Parcel J in location sketches attached to the Lease Agreement, for a term beginning on the date the Tenant begins to provide collection services to the City pursuant to the Exclusive Franchise Agreement for the collection of Residential Municipal Waste, and thereafter coterminous with the Exclusive Franchise Agreement, for an annual base rent amount of \$108,000.00 subject to an annual adjustment of three percent (3%) of the base rent or one hundred percent (100%) of any upward increase in the Consumer Price Index, whichever amount is greater, payable in equal monthly installments, in substantial conformity with the term as attached hereto and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (DEPT. OF PUBLIC WORKS)
7. Board Appointments –
 - a. Proposed resolution appointing **Oswaldo Estrada** to the Board of Trustees of the Employees General Retirement System as the Police Benevolent Association ("PBA") appointment for the remainder of a two (2)-year term ending on December 31, 2016.
8. Unfinished Business –

9. New Business –

10. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Recommendation of denial by the Planning and Zoning Board to repeal and rescind Hialeah, FL. Ordinance 79-100 and consider a Variance Permit to allow 48 parking spaces, where 230 parking spaces are required for an existing 46,183 square feet utility equipment building. **Property located at 1245 West 69th Street, Hialeah, zoned C-2 (Liberal Retail Commercial. (Applicant: Leslie A. Lewis, Attorney for AT&T Florida)**

<i>Item was postponed by the City Council on June 9, 2015 until June 26, 2015, per the applicant's request.</i>

<i>Item was postponed by the City Council on May 12, 2015 until May 26, 2015, per the applicant's request.</i>
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<i>Item was postponed by the City Council on April 14, 2015 until May 12, 2015, per the applicant's request.</i>
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<i>Item was denied by the Planning and Zoning Board on March 25, 2015.</i>
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- PZ 2. Second reading and public hearing of proposed ordinance rezoning property from R-2 (One and Two family residential district) to R-3 (multiple family district) and granting a variance permit to allow one of six parking spaces to back-out into the street, where back-out into the street parking is only allowed in low density residential districts, to allow a lot coverage of 30.6%, where a maximum of 30% is required, to allow a pervious area of 21%, where a minimum of 30% is required, and to allow a front setback of 14.54 feet, where 25 feet are required, a side setback of 5 feet, where 10 feet are required, a corner side setback of 5 feet, where 15 feet are required and a rear setback of 19.5 feet, where 20 feet are required, contra to Hialeah Code §§ 98-2190, 98-2056(b)(2), 98-2056(b)(1), 98-589, 98-590, and 98-591. **Property located at 130 West 20 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Blanco Family Holdings V LLC)

<i>The City Council approved the item on first reading on June 9, 2015.</i>

Item was approved by the Planning and Zoning Board on May 27, 2015.

- PZ 3. First reading of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a duplex on a substandard-sized lot having an average width of 60 feet, where at least 75 feet are required, to allow a lot coverage of 33%, where a maximum of 30% is required, and to allow a proposed west side setback of 5.82 feet, where 7.5 feet are required for accessory building, contra to Hialeah Code §§ 98-544, 98- 2056(b)(2) and 98-546. **Property located at 841 East 14 Place, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Eleuterio A. Perez and Nidia Perez*)

Item was approved by the Planning and Zoning Board on June 10, 2015.

- PZ 4. First reading of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business District (NBD) Overlay on property located at an activity node ~~aa~~ for a proposed mixed-use development including 50,912 square feet of commercial space and 304 residential units, pursuant to Hialeah Code §98-1630.8, and granting a Variance Permit to allow 739 parking spaces, where 863 are required, allowing to satisfy the 76 required guest parking spaces with valet parking services pursuant to Hialeah Code §98-2189(16)a, to allow 186 units with less than 850 square feet from which 12 units have 580 square feet, where ten percent of residential units may have a minimum of 600 feet, to allow a front and side setback of 20 feet for the tower or middle of the building, where a minimum of 22 feet are required, to allow a setback of 20 feet for the cap or penthouse of the building, where a minimum of 34 feet are required, to allow an interior side setback of 20 feet and 15 feet for the cap or penthouse, where a minimum of 28 feet are required, contra to Hialeah Code §§ 98-2189(16)a, 98-1630.2, 98-16.0.3(e)1, and 98-1630.3(e)2. **Property located at 401 and 435 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: (Shoma Retail, LLC. c/o Felix M. Lasarte)*)

Item was approved by the Planning and Zoning Board on June 10, 2015.

NEXT CITY COUNCIL MEETING: Tuesday, August 11, 2015 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 25, 2015 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).